

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
2006 MERCEDES BENZ CLS500	§	
(VIN WDDDJ75X16A048676) AND	§	
\$20,217.46 IN UNITED STATES	§	
CURRENCY,	§	
Defendants.	§	

COMPLAINT FOR FORFEITURE IN REM

The United States of America, Plaintiff, files this action for forfeiture and alleges upon information and belief:

Nature of Action

1. This is a civil forfeiture action in rem brought under:
 - A. 18 U.S.C. § 981(a)(1)(C) which provides for the forfeiture of any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of any offense constituting a "specified unlawful activity" as defined in 18 U.S.C. § 1956(c)(7)(A) which includes any act or activity constituting an offense listed in 18 U.S.C. § 1961(1) which includes any act which is indictable under 18 U.S.C. § 1955 relating to the prohibition of illegal gambling businesses; and
 - B. 18 U.S.C. § 1955(d) which provides for the forfeiture of any property, including money, used in violation of 18 U.S.C. § 1955 which makes it a crime to conduct, finance, manage, supervise, direct, or own all or part of an illegal gambling business as defined in 18 U.S.C. § 1955(b).

Jurisdiction and Venue

2. This Court has subject-matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper in the Southern District of Texas under 28 U.S.C. §§ 1355, 1391, and 1395.

Defendant Property

4. This is an action to forfeit the following property which was seized on or about July 21, 2010, from Santos Joe Martinez ("Martinez") in Houston, Harris County, Texas:

A. 2006 Mercedes Benz CLS500 (VIN WDDDJ75X16A048676) ; and

B. \$20,217.46 in United States Currency.

The property will be hereinafter collectively referred to as "Defendant Property." The vehicle is in the custody of the United States Marshals Service, and it is located at a storage facility in Houston, Texas. The currency is in the custody of the United States Marshals Service, and it is on deposit in a seized asset deposit fund account with the Federal Reserve Bank.

Factual Basis

5. During the period from in or about 2008 through in or about July 2010, Martinez owned and operated an illegal gambling business known as "Club 45" and located at 12505 Gulf Freeway, Houston, Texas.

6. During the period from in or about 2008 through in or about July 2010, Club 45 conducted an illegal gambling establishment in violation of the laws of the State of Texas. On or about July 21, 2010, the State of Texas indicted Martinez for the felony offense of engaging in organized criminal activity for unlawfully, intentionally and knowingly operating and participating

in the earnings of Club 45.

7. During the period from in or about 2008 through in or about July 2010, five or more persons conducted, financed, managed, supervised, directed, or owned all or part of the Club 45 business.

8. While in operation as an illegal gambling business, Club 45 was in substantially continuous operation for a period in excess of thirty days or had a gross revenue of \$2,000 in any single day.

9. Acting pursuant to a state search and arrest warrant, law enforcement officers and agents searched Club 45 on or about July 21, 2010. Items seized from Club 45 included approximately 11 poker tables, approximately 8 boxes filled with poker chips, approximately 3 boxes filled with cards and poker chips, a speaker amplifier, computers, a flat screen TV and DVD player, and approximately \$22,970 in United States currency. The currency was located in a cashier's area where money was exchanged for chips.

10. Following the arrest of Martinez on July 21, 2010, law enforcement agents seized the 2006 Mercedes Benz CLS500 (VIN WDDDJ75X16A048676) and transported it to a secure garage at the offices of the Federal Bureau of Investigation in Houston, Texas. While conducting an inventory of the vehicle, law enforcement agents found 4 bundles of money and loose change totaling \$20,217.46 in United States currency along with a pistol, 18 bullets, casino chips with the Club 45 logo, and paperwork consisting of daily worksheets consistent with a gambling business, and receipts for several cashier's checks.

11. Based on information and belief, Martinez is the sole owner of the 2006 Mercedes Benz CLS500 (VIN WDDDJ75X16A048676), and there is no lienholder. Martinez paid for the

vehicle in or about June 2009 by making approximately three separate cash payments in the approximate amounts of \$10,000.00, \$6,000.00, and \$8,000.00, for an approximate total of \$25,000.00.

12. Based on information and belief, Martinez's only legitimate source of income since in or about 2006 has been a monthly social security check in the approximate amount of \$1,180.00. Texas Workforce Commission records show no wages for Martinez since the first quarter of 2001.

13. Defendant Property was either used in violation of 18 U.S.C. § 1955 or purchased with proceeds traceable to a violation of 18 U.S.C. § 1955 or both.

Notice to Any Potential Claimants

YOU ARE HEREBY NOTIFIED that if you assert an interest in the Defendant Property which is subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than February 14, 2011, which date is thirty-five (35) days from January 10, 2011, the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon Assistant United States Attorney Gerald Doyle at United States Attorney's Office, P. O. Box 61129, Houston, Texas 77208.

Prayer

Wherefore, the United States of America prays that judgment of forfeiture be entered against

the Defendant Property in favor of the United States of America under 18 U.S.C. §§ 981(a)(1)(C) and 1955 and for such costs and other relief to which the United States of America may be entitled.

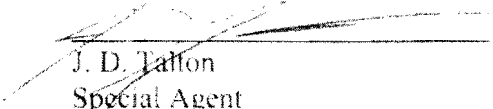
Respectfully submitted,

José Angel Moreno
United States Attorney

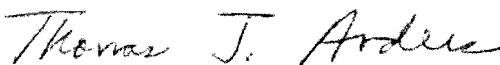
By: /S/ Gerald Doyle
Gerald Doyle
Assistant U. S. Attorney
Admission ID No. 1453
919 Milam, Suite 1500
P. O. Box 61129
Houston, Texas 77208
Phone: 713.567.9599
Fax: 713.718.3300

Verification

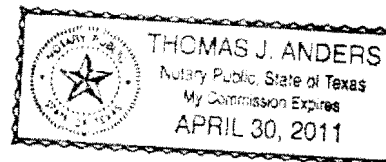
I, J. D. Talton, a special agent with the Federal Bureau of Investigation, hereby affirm and verify that the facts set forth in the foregoing Complaint for Forfeiture in Rem are true and correct to the best of my knowledge and belief.


J. D. Talton
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me, the undersigned authority, on January 10, 2011.


Notary Public in and for the State of Texas

My commission expires:



Certificate of Service

I hereby certify that a copy of the foregoing has been served upon the following persons in the manner indicated on January 10, 2011:

Counsel for Santos Martinez (certified mail/rrr)

Mr. Roni Mark Most
Mr. Ryan B. Bormaster
D. Miller & Associates
10565 Katy Freeway #400
Houston, Texas 77024

Santos Martinez (first class mail and certified mail/rrr)
5601 Sugar Creek
La Porte, Texas 77571

/S/ Gerald Doyle
Gerald Doyle